MEMO

DATE: March 15, 2012

TO: Planning Commission Members

FROM: Matthew Lepke, AICP

Community Development Department

RE: The Pinball Company rezoning from R-1 to C-P, development plan, and

landscape variance requests (Case 12-28)

Please see the attached correspondence from Jay Gebhardt of A Civil Group requesting tabling of The Pinball Company's requests to the April 5, 2012 Planning Commission hearing. The request is being made to allow adjacent residents more time to review the amended C-P documents and discuss with City staff needed corrections to the application. This is the applicant's first tabling request.

If you have any questions, please feel free to call me at (573) 874-7239.







March 15, 2012

Tim Teddy, Director City of Columbia, Community Development Department 701 E. Broadway Columbia, MO 65201

RE: The Pinball Company C-P Plan - Case #11-127

Contains of

Dear Mr. Teddy,

On behalf of our clients, Nicholas and Brooke Parks, we are hereby requesting to table the upcoming March 22, 2012 Planning and Zoning Commission hearing on this project until the following meeting on April 5, 2012.

Our reason for doing so is based on feedback we have been hearing regarding insufficient time for the neighbors and interested parties to review recent staff comment and correction requests and our subsequent comment revisions.

Although the recent changes are only intended to be additional assurances as to the nature and scope of this C-P plan, we feel that said interested parties may need additional time to review these most recent revisions that have come about through the City staff review process.

Sincerely,

Jay Gebhardt

AGENDA REPORT PLANNING AND ZONING COMMISSION MEETING MARCH 22, 2012

SUMMARY

A request by The Pinball Company (contract purchaser) for rezoning from R-1 (one-family dwelling) to C-P (planned business), development plan, and landscaping variance. The 1.45-acre property is located at 301 W. Green Meadows Drive, on a portion of the Rock Bridge Christian church site. (Case # 12-28)

REQUESTED ZONING

C-P (Planned Business District), with the following development restrictions identified in the applicants' statement of intent:

a. Proposed uses	See attached
b. Maximum gross building floor area	10,000 sq. ft.
c. Maximum building height	35 feet
d. Minimum maintained open space	40 percent
(% of total site)	

VARIANCE REQUESTED

Section	Request
29-17 (d)(6)	Variance from screening between adjacent C-P and R-1 lots

DISCUSSION

The applicants request approval of a rezoning from R-1 to C-P. Proposed uses would include all O-1 uses, excepting R-3 and R-2 uses (meaning R-1 uses would be permitted). It would also include the retail sales use, strictly limited to shipping, delivery, assembly, refurbishment, repair, and retail and wholesale sales of non-gambling pinball and arcade type machines. The site is designated "Neighborhood" on the Metro 2020 Plan. The statement of intent indicates that a minimum of 40 percent of the site is to remain as open space, and the gross floor area is not to exceed 10,000 square feet. The submitted development plan identifies 49.6 percent of the site in landscaping/open space, and a gross floor area of 7,988 square feet.

The applicants own and operate, along with one technician, a business that sells pinball and arcade amusement machines. They report that the vast majority of their sales take place online, making a commercial storefront, such as the one they currently have near Kohl's, an unnecessary expense. The applicants propose to construct a building on the subject site to house their business as well as other office uses in separate suites.

The nearest O-1-zoned property is approximately 630 feet east of the subject site on the north side of Green Meadows Road. The closest commercially-zoned property is zoned C-1, approximately 850 feet to the east on the north side of Green Meadows Road.

The applicants suggest a showroom for their pinball and other amusement machines in the proposed building on the subject site, along with offices and workspace for refurbishing the machines. They have mentioned that they would be receiving and making shipments of the machines multiple times a week. This is one of the neighboring property owners' greatest concerns, along with the commercial zoning designation.

While the walk-in traffic for such a business may be negligible, given the expense of the amusement machines and the fact that they are not for general gameplay such as would be found at an arcade, it is, nonetheless, a retail business operation under the zoning ordinance and must be considered as such. The applicable use is "Stores, shops and markets for retail trades," found in the C-1 zoning district.

In a November 11, 2011 concept review, staff cautioned the applicants that a C-P request was unlikely to be recommended for or gain approval; however, it is always a citizen's prerogative as to whether or not to pursue a zoning change, plan, or other alteration.

As the site is surrounded by R-1, A-1, and R-1 PUD zoning, is designated "Neighborhood" in the Metro 2020 Plan, and presents potential traffic circulation issues whether connecting to Green Meadows Road or Green Meadows Circle, a C-P does not seem the best designation for the site. An O-P district, consisting of uses generating minimal traffic, may be more appropriate for this location, though the office zoning districts do not currently offer a use that permits activities of the nature proposed.

The O-1 district does, however, permit "Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including but not limited to:

- 1) Artists, sculptors, photographers.
- 2) Authors, writers, composers.
- 3) Lawyers, engineers, planners, architects, realtors, accountants, insurance agents, brokers, and other consultants in similar professions.
- 4) Ministers, rabbis, priests, or other clergy members.
- 5) Physicians, dentists, chiropractors, or other licensed medical practitioners.
- 6) Seamstresses, tailors.
- 7) Teachers of private lessons in art, music, or dance."

SITE CHARACTERISTICS

Area (acres)	1.45 (pending subdivision plat approval)
Topography	Flat
Vegetation	None
Watershed	Hinkson, Mill Creek
Existing structures	None currently on proposed outlot
Existing zoning	R-1 (one-family dwelling)

BACKGROUND

Annexation date	1964
Initial zoning	R-1 (1971)
Previous rezoning(s)	None
Metro 2020 Plan	Neighborhood
Reason for current request	Rezone portion of property

SURROUNDING LAND USES

Orientation from site	Zoning District	Land use
North	R-1/A-1/R-1 PUD	Single-family residential
South	R-1	Single-family attached residential
East	R-1 PUD	Single-family attached residential
West	R-1	Fire station

UTILITIES & SERVICES

Sanitary Sewer	All City of Columbia Services
Water	
Electric	
Fire Protection	

ACCESS

Pedestrian Access Needs		
Sidewalks	None needed	
CATSO	Green Meadows Road is an urban trail/pedway	
Bicycle/Pedestrian		
Network Plan		

Green Meadows Road	Southeast of site
Major Roadway Plan	Major collector
classification	
Capital Improvement	Description: None
Program projects	
Right-of-way needed	Unknown

Green Meadows Circle	North of site
Major Roadway Plan	Local
classification	
Capital Improvement	Description: None
Program projects	
Right-of-way needed	Unknown

PARKS & RECREATION

Neighborhood Parks Plan	None; Rock Bridge Park nearby
Trails Plan	None
Trail easement(s)	None

PUBLIC NOTIFICATION

All property owners within 185 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified by postcard of a public information meeting, which was held on <u>February 28, 2012.</u>

Two informational meetings have been held since the case was filed in advance of the public hearing. The first was hosted on February 22, 2012, at Rock Bridge Christian Church by the applicants, Nic and Brooke Parks of The Pinball Company, and their consulting engineer, Jay Gebhardt of A Civil Group. The second was the City's standard public information meeting, held February 28, 2012. Multiple meetings have also been held by the neighborhoods' homeowners.

The case has followed the standard schedule for rezoning requests, having been filed on February 13, 2012. Interested parties have requested the item be tabled, and at least one citizen requested it be re-advertised, due to his concern that insufficient time was allowed for neighbors to review the revised statement of intent, which was submitted on March 9, 2012. Staff has furnished this document and the accompanying, revised plan to several inquiring citizens and encouraged them to share the documentation with others who may be interested in it. The revisions were made in accordance with the Planning and Zoning Commission's rules of procedure, and did not contravene any other submittal standard.

Public information	Number of attendees: Nine (five adjacent residents, two	
meeting recap	applicants, and their two consultants)	
	Comments/concerns: Several, namely centered on the C-P designation, permitted uses, and traffic	
Neighborhood	Green Meadows, Greenbriar-Trail Ridge, Rockbridge	
Association(s) notified		
Correspondence	Several calls and e-mails requesting information and	
received	making comments in opposition	

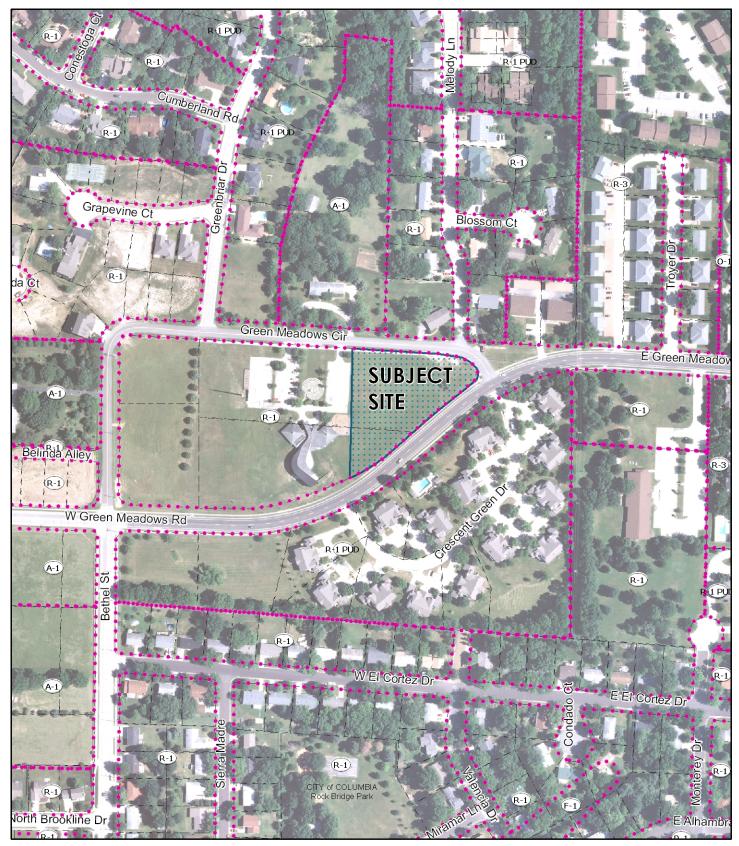
STAFF RECOMMENDATION

Staff recommends denial of the rezoning request.

If the zoning is denied, the development plan is moot. If the zoning is approved, staff recommends modifications to the development plan.

Staff would also recommend denial of the plan's landscaping variance request.

ML		PRZ
Report prepared by	Approved by	0

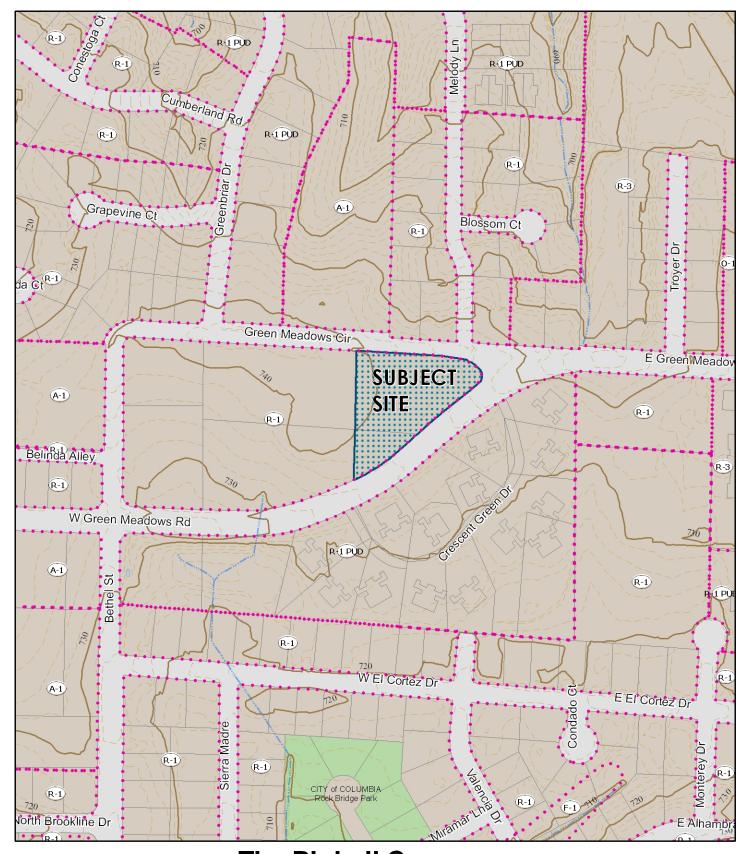




The Pinball Company Case 12-28 C-P Plan & Rezoning









The Pinball Company Case 12-28 C-P Plan & Rezoning



Contour Interval: 2 feet





REVISED 3/9/12

Statement of Intent Worksheet

For office use:

Case #:

Submission Date: 3/9/12

Planner Assigned:

701 E. Broadway, Columbia, MO (573) 874-7239 planning@gocolumbiamo.com

Please provide the following information, which shall serve as the statement of intent for the proposed planned district zoning: For The Pin Ball Company C-P Plan on Lot 202 of Rock Bridge Christian Church Plat 2.

1. The uses proposed.

The following uses are the only uses proposed or allowed for the property:

All permited uses allowed in the O-1 zoning district, excluding those uses allowed under the R-3 Zoning District and the R-2 Zoning District but allowing all uses allowed within the R-1 Zoning District.

Retail Sales, strictly limited to Shipping, Delivery, Assembly, Refurbishment, Repair and Retail and Wholesale Sales of Non Gambling Pin Ball and Arcade type machines.

2. The maximum gross square feet of building floor area proposed. If **PUD** zoning is requested, indicate type(s) of dwelling units & accessory buildings, and maximum number of dwelling units & development density.

The Maximum gross square feet of building floor area proposed is 10,000 square feet.

- 3. The maximum building height proposed.
 35 feet is the maximum building height as defined by the City Zoning Regulations and building codes.
 - The minimum percentage of the site to be maintained in open space, shown by the percent in landscaping and the percent left in existing vegetation.
 A minimum of 40% landscaping is proposed for the site.
- * In addition to the above the applicant agrees to provide a center turn lane for the driveway or driveways proposed for Green Meadows Drive that meets the City of Columbia traffic engineers approval
- ** The applicant also agrees to and accepts that should the City of Columbia revise the O-1 Zoning District in such a manner as to allow the proposed retail use described above, that the City council may initiate a rezoning of the property to O-P without the applicants objection.

Note: At the discretion of the applicant, the statement of intent may include other aspects of the proposed development.

Signature of Applicant or Agent

Date



Design Parameters Worksheet

For office use:

Case #:

/ 2 28

Submission Date: Planner Assigned:

// 2 28

Submission Date: Planner Assigned:

Please provide the following information:

1. The minimum distance between any building and any adjacent property line or street right-of-way.

2. The minimum distance between the edge of any driveway, parking area, loading area, trash storage area and any adjacent property line or street right-of-way.

2 FEET

3. The maximum number of freestanding signs on the site, the maximum square footage of sign surface area and maximum height of each.
2516NS ARE ALLOWED, HOWEVER WE ARE SHOWING ONE SIGN ONLY

4. The minimum percentage of the site to be maintained in open space shown by the percent in landscaping and the percent left in existing vegetation. (not applicable to M-R districts)

47.22 LANDSCAPING, ALMOSTENTIRES ITEWILL BE DISTURBED.

5. The maximum height and number of light poles and type of fixtures.

28 FEET MAXIMUM HEIGHT, SHALL BE SEMI-CUT OFF SHOEBOX

FIXTURES WITH FOUR POLES SHOWN ON C-P PLAN.



Variance Worksheet

For office use:

| Case #: | Submission Date: | Place | Place

Planner Assigned:

Where the Planning and Zoning Commission finds that undue hardships or practical difficulties may result from strict compliance with the City's Subdivision Regulations, it may recommend and the Council may approve variances so that substantial justice may be done and the public interest secured, provided that any such variance shall not have the effect of nullifying the intent and purpose of the Subdivision Regulations.

The Commission shall not recommend variances unless it finds and determines that the following criteria are met¹. Please explain how the requested variance complies with each of the below requirements:

1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

WE BELIEVE THE PROPERTIES WILL SHARE COMPATIBLE USES AND A 5-FOOT FENCE WILL NOT BE ATTRACTIVE.

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, are not applicable generally to other property, and are not self-imposed.

THIS STATEMENT IS TRUE FOR HIS PROPERTY

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations was carried out; and

WE BELIEVE THE FENCE WILL HAVE A NEGATIVE IMPACT ON THE PROPERTY AND THE SURROUNDING NEIGHBORHOOD

4. The variance will not in any manner abrogate the provisions of the comprehensive plan of the City.

THIS IS TRUE FOR THIS PROPERTY

¹ Per Section 25-20: Variances and exceptions



February 13, 2012

Tim Teddy
Community Development Department
City of Columbia
701 E. Broadway

RE: The Pinball Company C-P Plan located at Green Meadows Road and Green Meadows Circle

Dear Mr. Teddy:

Please find attached a development review application to formally request a Variance of Section 29-17 District C-P 29-17 (d) (6) Screening and landscaping, Rezoning from District R-1, one-family dwelling district to District C-P, Planned Business District and a C-P Plan to accompany the requested zoning change. The variance from the Screening and Landscaping requirement is being requested because the applicant feels that a privacy fence would look out of place. The adjacent property is zoned R-1, but the use is Rock Bridge Christian Church.

We are proposing to rezone the area shown on the C-P Plan to allow for All O-1 uses except R-3 uses and including Internet Retail Sales uses. We believe the Church's use is similar and compatible with the office uses we are proposing. We are asking for the variance because we believe the development would be more attractive without the fence. If you disagree with this we are open to suggestions. A replat of Rock Bridge Christian Church Plat 1 has been submitted previously to allow for the subdivision of the lot and to clearly define the area to be rezoned.

Please do not hesitate to contact me if you have any questions.

Sincerely, Marsa Mours

BRENT A. BROWN

